

**SUBMITTAL TO THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 11.7
(ID # 15078)

MEETING DATE:
Tuesday, July 20, 2021

FROM : FLOOD CONTROL DISTRICT AND General Manager-Chief Engineer :

SUBJECT: FLOOD CONTROL DISTRICT: PUBLIC HEARING - Adopt Resolution F2021-21 Confirmation of the FY 2021-22 Benefit Assessments for the Whitewater Watershed, Districts 3, 4 and 5. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Conduct the public hearing concerning the Engineer's Report on the National Pollutant Discharge Elimination System Program for the Whitewater Watershed Benefit Assessment Area, dated June 2021; and
2. If at the conclusion of the hearing a majority protest has not been received, adopt the following Resolution: Resolution No. F2021-21 Adopting and Confirming Each and All Assessments on Property in the Whitewater Watershed Benefit Assessment Area Pursuant to Ordinance No. 14 Providing for the Establishment and Levy of Benefit Assessments for the National Pollutant Discharge Elimination System (NPDES) Stormwater Program.

ACTION:Policy

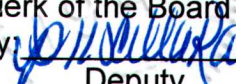
Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG

7/8/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: July 20, 2021
xc: Flood, Recorder

Kecia Harper
Clerk of the Board
By 
Deputy

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COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	N/A
			For Fiscal Year:	21/22

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Whitewater Watershed Benefit Assessment Area was established on May 14, 1991 by the adoption of Resolution No. F91-23 by the Board pursuant to Ordinance No. 14 of the Riverside County Flood Control and Water Conservation District and the Riverside County Flood Control and Water Conservation District Act. Said Ordinance No. 14 requires that the Chief Engineer shall prepare an annual report on the status of the program and recommend the benefit assessment levy to be enrolled for the ensuing fiscal year.

All of the requirements of District Ordinance No. 14 providing for the establishment and levy of the Fiscal Year 2021-22 Benefit Assessments have been satisfied; therefore, the public hearing may be closed, and the assessments levied.

Prev. Agn. Ref.: MT 15075, 11.3 of 06/15/21

Impact on Residents and Businesses

The financial impact to property owners is outlined in the Engineer's Report and Benefit Assessment Tax Rolls. The proposed benefit assessment rate for Fiscal Year 2021-22 is \$3.63 per Benefit Assessment Unit; this is equal to the Benefit Assessment that was enrolled and levied for Fiscal Year 1996-97 and all subsequent years.

ATTACHMENTS:

1. WW BA Engineer's Report FY 2021-22
2. WW BA Resolution No. F2021-21
3. Notice of Public Hearing for the Whitewater Watershed BA

CW:mc
MT #15078
P8/237663

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



Jason Farin, Principal Management Analyst 7/13/2021



Gregory V. Priamos, Director County Counsel 7/8/2021

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

KECIA R. HARPER, CLERK OF THE BOARD
RIVERSIDE CO. CLERK OF THE BOARD
4080 LEMON STREET, 1ST FLOOR CAC
P O BOX 1147 – RIVERSIDE, CA 92502

MAIL STOP # 1010

AND WHEN RECORDED MAIL TO:

RETURN TO: STOP #1010
RIVERSIDE COUNTY CLERK OF THE BOARD
P. O. BOX 1147 – RIVERSIDE, CA 92502

2021-0446739

07/27/2021 09:13 AM Fee: \$ 0.00

Page 1 of 5

Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder



6080

THIS SPACE FOR RECORDERS USE ONLY

RESOLUTION NO. F2021-21

Title of Document

**ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN THE
WHITewater WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO ORDINANCE NO. 14
PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT ASSESSMENTS FOR THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PROGRAM**

(THIRD, FOURTH AND FIFTH SUPERVISORIAL DISTRICTS)

(Flood Control and Water Conservation District ~ Item 11.7 of 07/20/2021)

Board of Supervisors

Riverside County Flood Control
and Water Conservation District

RESOLUTION NO. F2021-21

**ADOPTING AND CONFIRMING EACH AND ALL ASSESSMENTS ON PROPERTY IN THE
WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA PURSUANT TO
ORDINANCE NO. 14 PROVIDING FOR THE ESTABLISHMENT AND LEVY OF BENEFIT
ASSESSMENTS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) STORMWATER PROGRAM**

WHEREAS, the California Regional Water Quality Control Board - Colorado River Basin Region, on behalf of the Federal Environmental Protection Agency ("EPA"), and consistent with Section 402 of the Federal Clean Water Act, as amended, and the regulations promulgated by the EPA pursuant thereto, has issued an area-wide stormwater discharge permit under the National Pollutant Discharge Elimination System ("NPDES Permit") to the Riverside County Flood Control and Water Conservation District ("District"), the County of Riverside and certain cities within the Whitewater Watershed that are within the District's jurisdiction, and has named the District as the "Principal Permittee"; and

WHEREAS, under existing state and federal regulations, the District must obtain and comply with the provisions of the NPDES Permit in order to legally discharge stormwater from its flood control and stormwater drainage facilities; and

WHEREAS, the NPDES Permit requires the District to develop, implement, and manage specific programs dealing with stormwater runoff that will benefit all property within the Whitewater Watershed that lies within the District's jurisdiction; and

WHEREAS, the District's Board of Supervisors ("Board") on May 14, 1991 adopted Resolution No. F91-23 pursuant to the provisions of Section 14 of the Riverside County Flood Control and Water Conservation District Act, which is Appendix 48 to the California Water Code ("District Act"), and pursuant to Ordinance No. 14 that formed a Benefit Assessment Area ("Benefit Assessment Area") which encompasses all territory within the District's jurisdiction that is within the Whitewater Watershed as

BY: Aaron C. Gettis
5-20-21
DATE

1 described in Ordinance No. 14, and has levied annually thereon a Benefit Assessment ("Benefit
2 Assessment") to pay the District's annual costs associated with the NPDES Permit; and

3 **WHEREAS**, the Benefit Assessments collected are principally used to finance capital costs and
4 to maintain and operate the flood control system as required by the terms of said Permit and must be
5 expended in the Benefit Assessment Area in which they are collected; and

6 **WHEREAS**, the District initially levied the Benefit Assessment for 1991-92 Fiscal Year and has
7 levied the Benefit Assessment in each successive fiscal year; and

8 **WHEREAS**, the voters of California on November 5, 1996 approved Proposition No. 218 which
9 added Article XIII D to the California Constitution ("Article XIII D") effective November 6, 1996; and

10 **WHEREAS**, Section 5(a) of Article XIII D provides in pertinent part that "...any assessment
11 imposed exclusively to finance the capital costs or maintenance and operation expenses for...flood control
12 and drainage systems..." shall be exempt from the procedures and approval process set forth in Section 4
13 of Article XIII D until the assessment is increased; and

14 **WHEREAS**, the Benefit Assessment proposed to be levied and enrolled for the 2021-22 Fiscal
15 Year is not greater than the Benefit Assessment that was levied for the 1996-97 Fiscal Year and all
16 subsequent years;

17 **WHEREAS**, at a duly noticed hearing as required by Ordinance No. 14, the Board heard and
18 considered all protests with respect to the amount of the Benefit Assessment to be levied for the 2021-22
19 Fiscal Year.

20 **NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board
21 of Supervisors of the Riverside County Flood Control and Water Conservation District, County of
22 Riverside, State of California, in regular session assembled on July 20, 2021 as follows:

23 Section 1. The above recitals are true and correct.

24 Section 2. That a public hearing has been duly held on this date, and that each and every step
25 in the proceedings as required by the District Act and Ordinance No. 14 has been duly taken and all
26 protests considered, and that the Board does hereby close the public hearing.

27 Section 3. That the Board does hereby make its determination upon each parcel in the Benefit
28 Assessment Area as described in the Engineer's Report entitled "Engineer's Report to the Board of

Supervisors of the Riverside County Flood Control and Water Conservation District on the NPDES Program for the Whitewater Watershed Benefit Assessment Area" ("Engineer's Report"), dated July 2021, filed with the Board pursuant to Ordinance No. 14, and that the Board does hereby confirm each and all Benefit Assessments on such parcels and thereby levies a Benefit Assessment in the Benefit Assessment Area of the District for the Fiscal Year 2021-22 at a rate of \$3.63 per benefit assessment unit.

Section 4. Pursuant to Section 5(a) of Article XIID, compliance with the procedures set forth in Section (4) of Article XIID is not necessary and there will be no increase in the Benefit Assessment to be enrolled for the 2021-22 Fiscal Year over the Benefit Assessment enrolled for the 1996-97 Fiscal Year and all subsequent years.

Section 5. That a copy of this Resolution duly certified by the Clerk of this Board be recorded in the Office of the Recorder of the County of Riverside, and a copy of this Resolution duly certified by the Clerk of this Board and the Engineer's Report be filed with the Auditor/Controller of the County of Riverside.

ROLL CALL:

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.



KECIA R. HARPER, Clerk of said Board

By: [Signature]

Deputy

07/20/2021 11.7

LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

Recorder
P.O. Box 751
(951) 486-7000
www.riversideacr.com

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION FOR SEAL for the Riverside County Flood Control and Water Conservation District (EMBOSED ON DOCUMENT)

RIVERSIDE COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

1945

CALIFORNIA

Date: 7-22-2021

Signature: April Boydd

Print Name: April Boydd, Deputy Clerk of the Board

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS
OF THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT ON THE NPDES BENEFIT ASSESSMENT PROGRAM FOR
THE WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA

NOTICE IS HEREBY GIVEN that a public hearing, at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, acting as the governing board of the Riverside County Flood Control and Water Conservation District (District), County Administrative Center, 4080 Lemon Street, Riverside, California, on July 20, 2021 at 9:30 a.m. or soon thereafter, relative to the District's Engineer's Report on the NPDES Program for the Whitewater Watershed Benefit Assessment Area. The Board will hear and consider all protests with regard to the program, if any, including protests with regard to the amount of the proposed assessment to be levied. At the conclusion of the hearing, the Board may adopt, revise, change, reduce, or modify any assessment and shall make its determination upon each assessment described in the report for Fiscal Year 2021-22.

NOTICE IS FURTHER GIVEN that, pursuant to statutory authorization, a written report by the Chief Engineer of the District describing the Benefit Assessment Program has been filed with the Clerk of the District's Board. The report contains a description of each parcel of property within the boundaries of the Whitewater Watershed Benefit Assessment Area of the District on which a benefit assessment is proposed to be levied and sets forth the amount of the proposed benefit assessment for each such parcel. The report contains a schedule of the benefit assessment rates for the 2021-22 Fiscal Year. Copies of the report, together with copies of the assessment rolls for the Whitewater Watershed Benefit Assessment Area and the official Riverside County Assessor's Map Books, are on file and available for review by the public at the office of the Clerk of the District's Board at the County Administrative Center, 4080 Lemon Street, Riverside, California; the District's office at 1995 Market Street, Riverside, California; the City of Banning, 99 E. Ramsey Street, Banning, California; and the City of Palm Springs, 3200 E. Tahquitz Canyon Way, Palm Springs, California. By reference to the Chief Engineer's report, the assessment rolls, and the map books, each property owner may verify the area of his or her parcel, its land use, and the amount of the 2021-22 Benefit Assessment.

NOTICE IS FURTHER GIVEN THAT the proposed benefit assessment rate for Fiscal Year 2021-22 is the same benefit assessment rate as Fiscal Year 1996-97 and all subsequent years.

BY ORDER OF THE BOARD OF SUPERVISORS:

Dated: JUN 15 2021

KECIA R. HARPER
Clerk of the District's Board

By: 
Deputy

✓ * COB misc

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS
OF THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT ON THE NPDES BENEFIT ASSESSMENT PROGRAM FOR
THE WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA

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BY ORDER OF THE BOARD OF SUPERVISORS:

Dated: JUN 15 2021

KECIA R. HARPER
Clerk of the District's Board

By: *[Signature]*
Deputy

* map books available for review until 07/20/21 (CAC Rm 127) 7/20/21 11.7

POSTED
7/2/21 LW/sm

2021-7-150564

CERTIFICATE OF POSTING

(Original copy, duly executed, must be attached to original at the time of filing.)

I, Lisa Wagner Exec Asst, do hereby certify that I
(NAME AND TITLE)

am not a party to the within action or proceeding; that on

7-2-21, I posted a copy of the following
(DATE)

document:

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ON THE NPDES BENEFIT ASSESSMENT PROGRAM FOR THE WHITEWATER WATERSHED BENEFIT ASSESSMENT AREA

By posting at: Clerk of the District's Board
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside, California

Board Agenda Date: July 20, 2021

[Handwritten Signature]
(SIGNATURE)

2021 JUL -2 PM 1:44
RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS